

STATE OF MISSOURI
DEPARTMENT OF NATURAL RESOURCES
MISSOURI CLEAN WATER COMMISSION



MISSOURI STATE OPERATING PERMIT

GENERAL PERMIT

In compliance with the Missouri Clean Water Law, (Chapter 644 R.S. Mo. as amended, hereinafter, the Law), and the Federal Water Pollution Control Act (Public Law 92-500, 92nd Congress) as amended,

Permit No. < MO-R100A00 >

Owner: < name >
Address: < address >

Continuing Authority: < name, or Same as above >
Address: < address, or Same as above >

Facility Name: < name >
Facility Address: < physical address >

Legal Description: 1/4, 1/4, 1/4, Sec. xx, TxxN, RxxW, < county > County

Receiving Stream: < receiving stream > < (U, C, P, L1, L2, L3) >
First Classified Stream and ID: < 1st classified stream > < (U, C, P, L1, L2, L3) > < (ID number) >
USGS Basin & Sub-watershed No.: < (USGS HUC14 #) >

is authorized to discharge from the facility described herein, in accordance with the effluent limitations and monitoring requirements as set forth herein:

FACILITY DESCRIPTION

All Outfalls

Construction or land disturbance activity (e.g., clearing, grubbing, excavating, grading, and other activity that results in the destruction of the root zone) that are performed in a city, county, or other governmental jurisdiction that has a storm water control program for land disturbance activities that has been approved by the Missouri Department of Natural Resources.

This permit authorizes only wastewater, including storm waters, discharges under the Missouri Clean Water Law and the National Pollutant Discharge Elimination System; it does not apply to other regulated areas. This permit may be appealed in accordance with Section 644.051.6 of the Law.

April 26, 2002

Effective Date

Issue Date

Stephen M. Mahfood, Director, Department of Natural Resources
Executive Secretary, Clean Water Commission

April 25, 2007

Expiration Date

Jim Hull, Director of Staff, Clean Water Commission

APPLICABILITY

1. This general permit authorizes the discharge of storm water and certain non-storm water discharges from land disturbance sites that are performed in a city, county, or other governmental jurisdiction that has a storm water control program for land disturbance activities that has been approved by the Missouri Department of Natural Resources.

A Missouri State Operating Permit that specifically identifies the project must be issued before the site is disturbed by clearing, grubbing, excavating, grading or any activity that results in the destruction of the root zone.

Any site owner/operator subject to these requirements for storm water discharges and who disturbs land prior to permit issuance from MDNR is in violation of both State and Federal laws.

2. If at any time the Missouri Department of Natural Resources determines that the quality of waters of the state may be better protected by requiring the owner/operator of the permitted site to apply for a site specific permit, the department may require any person to obtain a site specific operating permit [10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5)].

The department may require the permittee to apply for and obtain a site specific or different general permit if:

- a. The permittee is not in compliance with the conditions of this general permit;
- b. The discharge no longer qualifies for this general permit due to changed site conditions and/or regulations; or
- c. Information becomes available that indicates water quality standards have been or may be violated.

The permittee will be notified in writing of the need to apply for a site specific permit or a different general permit. When a site specific permit or different general permit is issued to the authorized permittee, the applicability of this general permit to the permittee is automatically terminated upon the effective date of the site specific or different general permit, whichever the case may be.

3. Any owner/operator authorized by a general permit may request to be excluded from the coverage of the general permit and apply for a site specific permit [10 CSR 20-6.010 (13) and 10 CSR 20-6.200(5)].
4. This permit is not transferable to other owners or operators.

EXEMPTIONS FROM STATE PERMIT REQUIREMENTS

1. Sites that discharge all storm water runoff directly to a combined sewer system are exempt from storm water permit requirements. Documentation of such should be retained by the site owner.
2. Linear, strip or ribbon construction, or maintenance operations as identified in 10 CSR 20-6.200 (1)(B).
3. Sites that disturb less than one acre of total land area that are not part of a common plan or sale and that do not cause any violations of water quality standards and are not otherwise designated by the department as requiring a permit.
4. Agricultural storm water discharges and irrigation return flows. For purposes of this permit, land disturbance activities from Animal Feeding Operations (AFO) are not considered an agricultural activity and therefore **not** exempted.

REQUIREMENTS AND GUIDELINES

1. All water pollution controls on site shall conform to the DNR-approved storm water control program of the city, county, or other governmental jurisdiction in which such land disturbance activities are occurring.

REQUIREMENTS AND GUIDELINES (continued)

2. Discharges shall not cause violations of the general criteria in the Water Quality Standards [10 CSR 20-7.031(3), which states, in part, that no water contaminant, by itself or in combination with other substances, shall prevent the waters of the state from meeting the following conditions:
 - a. Waters shall be free from substances in sufficient amounts to cause the formation of putrescent, unsightly or harmful bottom deposits or prevent full maintenance of beneficial uses;
 - b. Waters shall be free from oil, scum and floating debris in sufficient amounts to be unsightly or prevent full maintenance of beneficial uses;
 - c. Waters shall be free from substances in sufficient amounts to cause unsightly color or turbidity, offensive odor or prevent full maintenance of beneficial uses;
 - d. Waters shall be free from substances or conditions in sufficient amounts to have a harmful effect on human, animal or aquatic life;
 - e. There shall be no significant human health hazard from incidental contact with the water;
 - f. There shall be no acute toxicity to livestock or wildlife watering;
 - g. Waters shall be free from physical, chemical or hydrologic changes that would impair the natural biological community;
 - h. Waters shall be free from used tires, car bodies, appliances, demolition debris, used vehicles, or equipment and solid waste as defined in Missouri's Solid Waste Law, Section 260.200, RSMo, except as the use of such materials is specifically permitted pursuant to Section 260.200-260.247.
3. Good housekeeping practices shall be maintained on the site to keep solid waste from entry into waters of the state.
4. All fueling facilities present on the site shall adhere to applicable federal and state regulations concerning underground storage, above ground storage, and dispensers, including spill prevention, control and counter measures.
5. Substances regulated by federal law under the Resource Conservation and Recovery Act (RCRA) or the Comprehensive Environmental Response, Compensation, and Liability Act (CERCLA) that are transported, stored, or used for maintenance, cleaning or repair shall be managed according to the provisions of RCRA and CERCLA.
6. An individual shall be designated by the permittee as responsible for environmental matters. Owners or operators shall inspect any structures that function to prevent pollution of storm water or to remove pollutants from storm water and of the facility in general to ensure that any Best Management Practices are continually implemented and effective.
7. All paint, solvents, petroleum products and petroleum waste products (except fuels), and storage containers (such as drums, cans, or cartons) shall be stored so that these materials are not exposed to storm water. Sufficient practices of spill prevention, control, and/or management shall be provided to prevent any spills of these pollutants from entering a water of the state. Any containment system used to implement this requirement shall be constructed of materials compatible with the substances contained and shall also prevent the contamination of groundwater.
8. A Storm Water Pollution Prevention Plan (SWPPP) shall be developed and implemented for each site. The SWPPP shall:
 - a. Incorporate required practices identified by the agency with jurisdiction,
 - b. Incorporate erosion control practices specific to site conditions, and
 - c. Provide for maintenance and adherence to the plan.

For new applicants, before removing any site vegetation, disturbing earth, or submitting an application, the permittee shall develop a SWPPP that is specific to the land disturbance activities at the site. This plan must be developed before a permit can be issued and made available as specified under RECORDS. However, the plan should not be submitted to the agency with jurisdiction or the department unless specifically requested.

REQUIREMENTS AND GUIDELINES (continued)

8. A Storm Water Pollution Prevention Plan ... (continued)

The permittee shall fully implement the provisions of the SWPPP required under this part as a condition of this general permit throughout the term of the land disturbance project.

The purpose of the SWPPP is to ensure the design, implementation, management, and maintenance of Best Management Practices (BMPs) in order to reduce the amount of sediment and other pollutants in storm water discharges associated with the land disturbance activities; comply with the Missouri Water Quality Standards; comply with the standards of the agency with jurisdiction and ensure compliance with the terms and conditions of this general permit.

The permittee shall select, install, use, operate, and maintain the BMPs in accordance with the concepts and methods described in the following documents:

- a. ***Storm Water Management for Construction Activities: Developing Pollution Prevention Plans and Best Management Practices***, (Document number EPA 832-R-92-005) published by the United States Environmental Protection Agency (USEPA) in 1992. **This manual is available at The USEPA internet site:**
http://cfpubl.epa.gov/npdes/pubs.cfm?program_id=0 (searching under Publications/Policy and Guidance Documents).
- b. ***Protecting Water Quality: A field guide to erosion, sediment and storm water best management practices for development sites in Missouri***, published by the Missouri Department of Natural Resources in November 1995.

The permittee is not limited to the use of these guidance manuals. Other commonly accepted publications may be used for guidance and must be referenced in the SWPPP if used. In addition, the permittee is not limited to the use of BMP identified in these manuals. However, any alternative BMPs should be justified by site conditions and described in the SWPPP.

9. SWPPP Requirements: The following information and practices shall be provided for in the SWPPP as directed by the agency with jurisdiction.

- a. Site Description.
- b. Drainage areas.
- c. Description of Best Management Practices.
- d. Disturbed Areas.
- e. Installation of BMPs.
- f. Temporary and Permanent Non-Structural BMPs.
- f. Temporary and Permanent Structural BMPs.
- g. Sedimentation Basins.
- h. Additional Site Management BMPs.
- i. Permanent Storm Water Management.

REQUIREMENTS AND GUIDELINES (continued)

10. Amending/Updating the SWPPP: The permittee shall amend and update the SWPPP as appropriate during the term of the land disturbance activity. The permittee shall amend the SWPPP, at a minimum, whenever the:
 - a. Design, operation, or maintenance of BMPs is changed;
 - b. Design of the construction project is changed that could significantly affect the quality of the storm water discharges;
 - c. Permittee's inspections indicate deficiencies in the SWPPP or any BMP;
 - d. The agency with jurisdiction or the MDNR notifies the permittee of deficiencies in the SWPPP;
 - e. SWPPP is determined to be ineffective in significantly minimizing or controlling erosion and sedimentation (e.g., there is visual evidence, such as excessive site erosion or excessive sediment deposits in streams or lakes);
 - f. Total Settleable Solids from a storm water outfall exceed 2.5 ml/L/hr.; or
 - g. The agency with jurisdiction or the MDNR determines violations of Water Quality Standards may occur or have occurred.
11. Site Inspection Reports: The permittee shall ensure the land disturbance site is inspected on a regular schedule and within a reasonable time period (not to exceed 72 hours) following heavy rains. Regularly scheduled inspections shall be at a minimum once per week. For disturbed areas that have not been finally stabilized, all installed BMPs and other pollution control measures shall be inspected for proper installation, operation and maintenance. Locations where storm water leaves the site shall be inspected for evidence of erosion or sediment deposition. Any deficiencies shall be noted in a weekly report of the inspection(s) and corrected within seven calendar days of the inspection report. The permittee shall promptly notify the site contractors responsible for operation and maintenance of BMPs of deficiencies.

A log of each inspection shall be kept. The inspection report is to include the following minimum information: inspector's name, date of inspection, observations relative to the effectiveness of the BMPs, actions taken or necessary to correct deficiencies, and listing of areas where land disturbance operations have permanently or temporarily stopped. The inspection report shall be signed by the permittee or by the person performing the inspection if duly authorized to do so.
12. Proper Operation and Maintenance: The permittee shall at all times maintain all pollution control measures and systems in good order to achieve compliance with the terms of this general permit.

The need to halt or reduce the permitted activity in order to maintain compliance with general permit conditions shall not be a defense to the permittee in an enforcement action.
13. Notification to All Contractors: The permittee shall notify each contractor or entity (including utility crews and city employees or their agents) who will perform work at the site of the existence of the SWPPP and what action or precautions shall be taken while on site to minimize the potential for erosion and the potential for damaging any BMP. If additional land is disturbed or any BMP damaged, then the permittee shall cause to have the disturbance or damage repaired.

OTHER DISCHARGES

1. Hazardous Substance and Oil Spill Reporting: Refer to Section B, #14 of Part I of the Standard Conditions that accompany this permit.
2. Removed substances: Refer to Section B, #6 of Part I of the Standard Conditions that accompany this permit.
3. Change in discharge: In the event soil contamination or hazardous substances are discovered at the site during land disturbance activities, the permittee shall notify MDNR in writing.

SAMPLING REQUIREMENTS AND EFFLUENT LIMITATIONS

1. Discharges shall not violate General Water Quality Standards 10 CSR 20-7.031(3).
Settleable Solids shall not exceed a maximum of 2.5 ml/L/hr. for each storm water outfall.
2. There are no regular sampling requirements in this permit. However, the department may require sampling and reporting as a result of illegal discharges, compliance issues, complaint investigations, or other such evidence of off-site contamination from activities at the site. If such an action is needed, the department will specify in writing any additional sampling requirements, including such information as location, extent, and parameters.

RECORDS

1. The permittee shall retain copies of this general permit, the SWPPP and all amendments for the site named in the State Operating Permit, results of any monitoring and analysis, and all site inspection records required by this general permit. The permittee shall retain these records at a site which is readily available from the permitted site until final stabilization of a site is achieved. The local office of the permittee, their contractor or consultant is considered to be readily available from the project site if it is located in the same county as the project site. The records shall be accessible during normal business hours. After final stabilization the records may be maintained at the location of the permittee's main office. The records shall be retained for a period of at least three years from the date of the Letter of Termination.
2. The permittee shall provide a copy of the SWPPP to MDNR, USEPA, or any local agency or government representative if they request a copy in the performance of their official duties.
3. The permittee shall provide those who are responsible for installation, operation, or maintenance of any BMP a copy of the SWPPP.
4. The permittee, their representative, and/or the contractor(s) responsible for installation, operation, and maintenance of the BMPs shall have a current copy of the SWPPP with them when on the project site.

TRANSFER OF OWNERSHIP

1. Individual Lot or Lots: Federal and Missouri storm water regulations (10 CSR 20-6.200) require a storm water permit and erosion control for one acre or more disturbed as part of a common plan or sale. When individual lots (commercial, industrial, or residential) are sold to an entity for construction (unless sold to an individual for purposes of building their own private residence) are also subject to storm water regulations because they are part of the common sale.

The existing permittee who intends to transfer ownership of a lot or parcel of the overall permitted area is still responsible for the terms of this permit and erosion control on that site unless the new owner applies for and receives a separate Missouri State Operating Permit for storm water discharges from land disturbance activities. If the current permittee is to retain the permit and responsibility for control of sediment and other pollutants at the site, then the owner should obtain a copy of an Individual Lot Certification (ILC) from the lot owner(s).. The ILC should be properly completed and signed and retained with the SWPPP.

2. Entire Tract: If the entire tract is sold to a single entity, then this permit shall be terminated and the new owner shall submit an application for a new permit immediately.

TERMINATION

This permit may be terminated when the project is stabilized. The project is considered to be stabilized when either perennial vegetation, pavement, buildings, or structures using permanent materials cover all areas that have been disturbed. With respect to areas that have been vegetated, vegetative cover shall be at least 70% of fully established plant density over 100% of the disturbed area.

In order to terminate the permit, the permittee shall notify MDNR by submitting Form H, included with the State Operating Permit. The permittee shall complete Form H and mail it to MDNR at the address noted in the cover letter of this permit.

This general permit will expire five years from the effective date of the permit (see page 1). The issue date is the date the State Operating Permit is issued to the applicant. The expiration date may or may not coincide with the date when the authorized project or development is scheduled for completion.

If the project or development completion date will be after the expiration date of this general permit, then the permittee must reapply to the department for the permit to be re-issued. The permittee will receive notification of the expiration date of the permit before the expiration date listed on page 1 of this permit. In order for the permit to be re-issued, the permittee should submit the appropriate application form(s) at least 180 days before the expiration of the permit if land disturbance activity is expected to continue past the expiration date of this general permit.

If the permittee does not apply for the renewal of this permit, this permit will automatically terminate on the expiration date. Continued discharges from a site that has not been fully stabilized are prohibited beyond the expiration date; unless the permit is reissued or the permittee has filed a timely application for the reissuance of this permit.

DUTY TO COMPLY

The permittee shall comply with all conditions of this general permit. Any noncompliance with this general permit constitutes a violation of Chapter 644, Missouri Clean Water Law, and 10 CSR 20-6.200. Noncompliance may result in enforcement action, termination of this authorization, or denial of the permittee's request for renewal.

MAILING ADDRESS

The permittee shall send all written correspondence and forms, which are to be submitted to MDNR to the address listed in the cover letter that accompanies this permit.